

PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

pahapo1098WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2006/006648

International filing date (day/month/year)

07.07.2006

Priority date (day/month/year)

27.08.2005

International Patent Classification (IPC) or both national classification and IPC

B65G47/51

B65G17/18 B65G21/14

Applicant

KRONES AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1 With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
- ☐ filed together with the international application in electronic form
- ☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. II

Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Statement

Novelty (N)	Claims	<u>3</u>	YES
	Claims	<u>1, 2, 4-9</u>	NO
Inventive step (IS)	Claims	<u>3</u>	YES
	Claims	<u>1, 2, 4-9</u>	NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

- 1 Reference is made to the following documents:
- D1: WO 2005/073113 A (KRONES AG; KRONSEDER, VOLKER; HUMELE, HEINZ; HAUSLADEN, WOLFGANG; KAIS) 11 August 2005 (2005-08-11)
- D2: EP 0 506 551 A (S.G.I.E. INDUSTRIES S.A; SOCIETE ANONYME DES USINES FARMAN) 30 September 1992 (1992-09-30) mentioned in the application

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 specifically discloses - using the wording of claim 1 (the references between parentheses relate to said document):

a dynamic storage device (cf. figure 23) for objects (G), having a continuous conveyor chain (1) equipped with receptacles (9) for the objects, having at least two vertically adjustable, counter-rotating

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

upper deflection wheels (59, 60; figure 11), and having at least two stationary lower deflection wheels (90, 91; figure 23), wherein the conveyor chain forms two substantially vertical loops of variable length defined by the upper deflection wheels, ~~characterized in that~~ [and] the lower deflection wheels rotate in substantially horizontal planes and are connected to the substantially vertical loops by arcuate guides for the conveyor chain.

3 DEPENDENT CLAIMS 2, 4-9

Claims 2, 4-7, 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements of novelty and inventive step.

4 DEPENDENT CLAIM 3

The combination of features contained in dependent claim 3 is neither known from nor suggested by the available prior art. The reasons are as follows:

The subject matter of claim 3 differs from the disclosure of D1 in that the guides (8, 9, 10, 11) are each arranged in the same vertical plane as the associated loop (Sa, Sb). This feature makes it clear that loops joined together in a helix cannot be involved. The effect of the distinguishing feature is that the chain guides are located between the deflection wheels in each case overall in a

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vertical plane. The object could therefore have been that of simplifying the storage device, if appropriate at the expense of the capacity of the storage device. The available prior art does not disclose the proposed solution in an obvious manner. Although document D2 can propose a loop arranged in a vertical plane, it cannot disclose the fact that said loop is intended to be arranged in the same plane as the guides, especially since guides of this type are not disclosed in D2.